



BUREAU OF LAND MANAGEMENT
Eastern States Office
20 M Street SE, Suite 950
Washington D.C. 20003



**DECISION RECORD
FOR BLM EASTERN STATES
SEPTEMBER 2017 COMPETITIVE OIL AND GAS LEASE SALE
Environmental Assessment
ES-020-2017-02**

INTRODUCTION

The Bureau of Land Management (BLM) proposes to lease, for potential oil and gas development, a total of 50.15 acres (3 parcels) of federal mineral estate in Catahoula and Bienville Parishes, Louisiana. These parcels comprise Expression of Interest (EOI) 2254, EOI 2255 and EOI 2261, and are part of the BLM Eastern States September 2017 Competitive Oil and Gas Lease Sale.

A federal oil and gas lease is a legal contract that grants exclusive rights to the lessee to develop federally-owned oil and gas resources, but does not authorize surface-disturbing activities or obligate the lessee to drill a well on a parcel in the future. Interested parties, such as private individuals or companies, may file EOIs to nominate parcels for competitive bid and leasing by the BLM. If the parcels are leased and the lessee identifies a detailed plan for oil and gas development for the parcels in the future, an Application for Permit to Drill (APD) would have to be submitted by the lessee. During this process the BLM would conduct future site-specific environmental analysis and any additional consultations, prior to authorizing any ground disturbing activities.

The BLM analyzed the Proposed Action in an Environmental Assessment (EA for ES-020-2017-02). The BLM also completed a Finding of No Significant Impact (FONSI) and this Decision Record for the EA. These documents provide the required documentation under the National Environmental Policy Act (NEPA), to facilitate the orderly exploration, development, and production of mineral and energy resources, on the proposed acreage, in a manner that avoids or minimizes adverse effects to resources, including threatened and endangered species.

DECISION

As a result of the analysis presented in the EA (ES-020-2017-02), it is my decision to authorize offering for lease the 3 parcels (50.15 acres) for the BLM Eastern States September 2017 Competitive Oil and Gas Lease Sale. The Proposed Action includes the necessary lease stipulations, best management practices and lease notices (detailed in the EA and identified in the September 2017 Competitive Oil and Gas Lease Sale Notice) to avoid or minimize environmental harm and would not cause unnecessary or undue degradation of public lands and resources. The leasing EA analyzed a no action alternative, in which the BLM would not issue the leases;

however, this alternative was not selected for the September 2017 Competitive Oil and Gas Lease Sale because it does not meet the purpose and need for the Proposed Action.

The BLM will issue competitive leases for parcels sold at the sale, and non-competitive leases may be issued for applications filed for two years after the sale for the unsold parcels.

AUTHORITIES

The authority for this decision is contained in the Mineral Leasing Act of 1920, as amended; the Mineral Leasing Act for Acquired Lands of 1947, as amended; the Federal Land Policy and Management Act (FLPMA) of 1976; and the Energy Policy Act of 2005.

TERMS/CONDITIONS/STIPULATIONS

Standard terms and conditions, as well as the lease notices and stipulations, identified within the EA and Sale Notice, would apply and attach to the lease parcels.

Additionally, any purchaser of a Federal oil and gas lease is required to comply with all applicable Federal, State, and local laws and regulations including obtaining all necessary permits required prior to the commencement of project activities, including but not limited to the following:

- National Environmental Policy Act (1969) and the associated Council on Environmental Quality regulations at 43 CFR Parts 1500-1508
- FLPMA (1976) as amended and the associated regulations at 43 CFR Part 1600
- Mineral Leasing Act (1920) as amended and the regulations at 43 CFR Part 3100
- Clean Water Act (1977)
- Clean Air Act (1970) as amended
- National Historic Preservation Act (NHPA) (1966) as amended and the associated regulations at 36 CFR Part 800
- Endangered Species Act (ESA) (1973) as amended
- Migratory Bird Treaty Act (1918)
- Resource Conservation and Recovery Act (RCRA) (1976) as amended
- Executive Order 11988 – Floodplain Management
- Executive Order 11990 – Protection of Wetlands
- Executive Order 12898 – Environmental Justice in Minority Populations and Low-Income Populations
- State and Local laws and regulations

PLAN CONFORMANCE AND CONSISTENCY

The Proposed Action to offer the 3 parcels for lease does not conflict with any known state or local planning or zoning law, regulation, policy or ordinance. Although the proposed lease areas in Louisiana are not covered by a BLM Resource Management Plan, the respective EA can be used as the basis for making a decision on the Proposed Action (43 CFR 1610.8 (b) (1)).

PUBLIC INVOLVEMENT

Scoping and Public Comment on the Draft EA

The BLM created a project website for the September 2017 lease sale that is accessible through the BLM ePlanning website (<http://bit.ly/2r97IOT>). The website provides links to documents, opportunities for public involvement, EOI information, and links to additional project information. In conformance with BLM policy, the Draft EA and unsigned FONSI were posted for a 30-day public comment period from April 17 – May 17, 2017. The BLM did not receive any comments on the EA or FONSI.

Protests (September 2017 Lease Sale)

The competitive lease sale notice was posted on the BLM National NEPA Register ePlanning site on June 29, 2017 (<http://bit.ly/2r97IOT>). This initiated a 30-day protest period of the parcels proposed for the September 2017 lease sale. The protest period ended on July 31, 2017, and no protest submissions were received. As a result, none of the Louisiana parcels offered for oil and gas leasing at the lease sale are subject to an unresolved protest.

CONSULTATIONS

The BLM conducted and completed the required informal consultation with the U.S. Fish and Wildlife Service (USFWS) in compliance with the ESA Section 7 consultation requirements. The BLM also conducted and completed the required consultation with the Louisiana State Historic Preservation Office (SHPO) and Native American tribes. The BLM initiated informal consultation with USFWS on February 1, 2017 and received a concurrence letter on March 17, 2017. Consultation with the SHPO and coordination with the tribes (listed below) occurred on January 6, 2017. The BLM received letters of concurrence from SHPO on February 1, 2017. The BLM received responses from four tribes. The Jena Band of Choctaw Indians response of January 30, 2017 stated that Catahoula Parish contained many significant sites of importance but that the tribe had no objection to the Proposed Action so long as a Section 106 consultation occurred prior to any ground disturbing activities. The Choctaw Nation of Oklahoma's response stated that; although Catahoula Parish lay within their area of historic interest, they were unaware of any cultural or sacred sites and that the Choctaw Nation Historic Preservation Department concurred with the finding of "no historic properties affected". Thlopthlocco Tribal Town replied on January 31, 2017, regarding EOI #2261, that they could not support the use of hydraulic fracturing techniques, as impacts were not fully understood. Further, the response stated that they believed hydraulic fracturing had a detrimental impact on the subsurface that could impact water tables and they strongly objected to the use of hydraulic fracturing on federal lands. Thlopthlocco Tribal Town and the Alabama-Coushatta Tribe of Texas replied on February 8, 2017 that Bienville and Catahoula Parishes lay outside their respective area of interest.

The BLM contacted the following tribes to notify them of the Proposed Action and to request comments or concerns:

- Alabama-Coushatta Tribe of Texas
- Alabama Quassarte

- Choctaw Nation
- Coushatta Indian Tribe
- Jena Band of Choctaw
- Kialagee Tribal Town
- Mississippi Band Choctaw
- Thlopthlocco Tribal Town
- Tunica-Biloxi Tribe

RATIONALE FOR DECISION

The decision to authorize the recommended alternative is based on the following:

- Consistency with the resource management plan and the land use plan - the decision does not conflict with any known state or local planning or zoning law, regulation, policy or ordinance. Although the proposed lease areas in Louisiana are not covered by a BLM Resource Management Plan, according to the regulations at 43 CFR 1610.8 (b) (1), the EA can be used as the basis for making a decision on the Proposed Action.
- National Policy & Purpose and Need – The Proposed Action meets the BLM’s purpose and need for action, which is to support the development of oil and natural gas resources that are essential to meeting the nation’s future needs for energy while minimizing adverse effects to natural and cultural resources. The BLM minimizes adverse effects to resources by identifying appropriate lease stipulations and notices, best management practices, and mitigations. It is the policy of the BLM as mandated by various laws, including the Mineral Leasing Act of 1920, as amended (30 U.S.C. 181 et seq.), the FLPMA, and the Energy Policy Act of 2005 to make mineral resources available for development to meet national, regional, and local needs. The oil and gas leasing program managed by the BLM encourages the sustainable development of domestic oil and gas reserves which reduces the dependence of the United States on foreign sources of energy as part of its multiple-use and sustainable yield mandate.
- Agency statutory requirements - the decision is consistent with all required federal, state, tribal, and county regulations and policies required for the implementation of the Proposed Action.
- Relevant resource issues and finding of no significant impact - as described in the EA, there would be no direct impacts associated with leasing because no ground disturbance would occur at this time. There is the potential for minor adverse impacts to resources as a result of potential future oil and gas development; however, none of the impacts were identified as significant and therefore, the BLM prepared a FONSI. Therefore, an environmental impact statement (EIS) is not required. Additional site-specific NEPA documentation would be completed at the APD stage, should future development occur. The BLM has completed all required consultations under the ESA and NHPA for the action of leasing.
- Application of measures to minimize environmental impacts - standard terms and conditions, as well as stipulations identified in the EA and lease sale notice would apply, as required by 43 CFR 3101.1-3.

APPEALS PROCEDURES

In accordance with 43 CFR 4.411 and 4.413, any person whose interest is adversely affected by a final decision of the authorized officer may appeal the decision to the Interior Board of Land Appeals (IBLA). The appeal must be filed within 30 days after the date the proposed decision becomes final or 30 days after receipt of the final decision. In accordance with 43 CFR 4.411 and 4.412, the appeal shall state clearly and concisely the reason(s) why the appellant thinks the final decision of the authorized officer is wrong.

Pursuant to 43 CFR 4.21(b) and 4.413(a), an appellant also may petition for a stay of the final decision pending appeal by filing a petition for stay along with the appeal within 30 days after the date the proposed decision becomes final or 30 days after receipt of the final decision. At this time, the BLM will not accept protests or appeals sent by electronic mail. Within 15 days of filing the appeal and any petition for stay, the appellant also must serve a copy of the appeal, and any petition for stay, on any person named in the decision and listed at the end of the decision, and on the appropriate Office of the Solicitor.

STANDARDS FOR OBTAINING A STAY

Pursuant to 43 CFR 4.21(b) (1), a petition for stay, if filed, must show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of immediate and irreparable harm if the stay is not granted; and,
- (4) Whether the public interest favors granting the stay.

Authorized Officer:

Mitchell Leverette

Mitchell Leverette
Acting State Director, BLM Eastern States

9/20/17

Date